

UNITED STATES DISTRICT COURT

for the

Western District of North Carolina

United States of America

v.

Freddie Andaya

Date of Original Judgment: 07/30/2014Date of Previous Amendment: 07/25/2023)

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)Case No: 0419 3:12CR00030-001USM No: 19104-057

Pro se

*Defendant's Attorney***ORDER REGARDING MOTION FOR SENTENCE REDUCTION
PURSUANT TO 18 U.S.C. § 3582(c)(2)**

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:


☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment
(as reflected in the last judgment issued) of _____ months **is reduced to** _____.

(See Page 2 for additional parts. Complete Parts I and II of Page 2 when motion is granted)


Except as otherwise provided, all provisions of the judgment dated 08/14/2014 (as amended 07/25/2023), shall remain in effect.

IT IS SO ORDERED.

Signed: July 11, 2024



Frank D. Whitney
United States District Judge



Effective Date: _____
(if different from order date)

This page contains information that should not be filed in court unless under seal.
(Not for Public Disclosure)

DEFENDANT: Freddie Andaya
CASE NUMBER: 0419 3:22CR00030
DISTRICT: Western District of North Carolina

I. COURT DETERMINATION OF GUIDELINE RANGE (*Prior to Any Departures*)

Previous Total Offense Level: _____ Amended Total Offense Level: _____
Criminal History Category: _____ Criminal History Category: _____
Previous Guideline Range: _____ to _____ months Amended Guideline Range: _____ to _____ months

II. SENTENCE RELATIVE TO THE AMENDED GUIDELINE RANGE

- ☐ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a substantial assistance departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☐ The reduced sentence is above the amended guideline range.

III. FACTORS CONSIDERED UNDER USSG § 1B1.10 AND 18 U.S.C. § 3553(a) (*See Chavez-Meza v. United States, 138 S.Ct. 1959 (2018)*)

Defendant is not eligible for a sentence reduction under Amendment 821 to the United States Sentencing guidelines. "Status Points" were not applied to calculate Defendant's criminal history category in this case, therefore he is not eligible under Part A of the Amendment. Defendant also does not meet the criteria for a "Zero-Point Offender" reduction under § 4C1.1 of the Sentencing Guidelines because he is excluded under subsection (a)(7): Defendant possessed firearms in connection with the offense. Defendant is further excluded under subsection (a)(10): Defendant received an aggravating role adjustment under § 3B1.1. Therefore, he is not eligible for a sentence reduction under Part B of the Amendment.